

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Heike Gielen-Haertwig Docket No: BHC 041036 PCT-US

Serial No: 10/590,770

Group Art Unit: 1624

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Examiner: Deepak R Rao

Confirmation No: 2475

Title: 1,4-DIARYL-DIHYDROPYRIMIDIN-2-ONES AND THEIR USE AS HUMAN

NEUTROPHIL ELASTASE INHIBITORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1250

DO NOT ENTER: /D.R./

REPLY AFTER FINAL, UNDER 37 C.F.R. § 1.116

06/21/2011

This Reply is submitted, under 37 C.F.R. §1.116 in response to a Final Office Action dated March 15, 2011. Applicants request reconsideration in view of two terminal disclaimers, transmitted herewith. No listing of claims is included in this reply, as no amendments to the claims are proposed herein.

Claims 1-13 and 19-25 are pending. All of the pending claims were rejected for nonstatutory obviousness-type double patenting over then pending but allowed claims of Application No. 10/590,786 (now, US Patent No. 7,893,073) and over claims of US Patent No. 7,687,510. Transmitted herewith are two terminal disclaimers, under 37 CFR §1.321, one for each of the two patents cited, in which Applicants disclaim any terminal portion of the term of the patent issued from the present application, if the term would otherwise be shorter than the term of the present issued patent. Applicants submit that both rejections are obviated by the terminal disclaimers.

Applicants submit that all the present pending claims (i.e. claims 1-3 and 19-25) are in condition for allowance. Issuance of all the claims is, therefore, requested.